

principles and allowing politics to triumph.

This body tonight, by voting for what I expect will be successful passage of this bill, has allowed politics to triumph over what is in the best long-term interests of this country and over the principles that we worked on together to try to bring about comprehensive immigration reform.

I stood with a number of my colleagues on the Republican side putting together what was a comprehensive immigration reform package. We had leaders on the Democratic side who have inspired me for ages, such as Senator KENNEDY, Senator DURBIN, and Senator REID standing with people such as Senator CRAIG and Senator MCCAIN and Senator GRAHAM and others to try to pull together comprehensive immigration reform. At the end of the day, we were able to get that comprehensive immigration reform. The President lauded it because it was a good bill. It was legislation that dealt with creating a system of law and order, that would have taken us out of the lawlessness we currently have in our country with respect to immigration and have created a comprehensive system to deal with this major issue of national security, economic security and moral values.

Our legislation dealt with border security. Our legislation dealt with the enforcement of our immigration laws. Our legislation dealt in a realistic way with the penalties and the registration that would apply to the 12 million or so people who are here in this country undocumented today. It was legislation that was comprehensive in nature.

Yes, we were proud we had Senators such as GRAHAM, MCCAIN, SPECTER, REID, KENNEDY and a whole lot of other Members who stood behind this comprehensive approach to immigration reform.

Mr. REID. Will the Senator yield?

Mr. SALAZAR. I yield.

Mr. REID. Mr. President, I support, as did the Senator from Colorado, tough border security. I voted, as did the Senator, for an amendment in the context of an immigration reform bill that would have authorized for Homeland Security Secretary Chertoff 370 miles of fence based on what he told the Senate he needed. Building some fencing as part of a comprehensive reform bill makes sense.

Would the Senator agree, we cannot take a piecemeal approach to fixing our borders?

Mr. SALAZAR. I agree with my friend from Nevada that, indeed, Secretary Chertoff and others have said that a fence by itself will not deal with the problems we are facing in immigration.

Secretary Chertoff's statement was, in his words:

In fact, building a fence in the desert would have the somewhat ironic result of requiring us to put more bodies right up against the border because it would be a less efficient way to deal with it.

So, yes, the Secretary of Homeland Security himself, along with the Attorney General of the United States, has taken a position that this is the wrong way to go.

Mr. President, as we put together this legislation, I want to quickly review what it is we did as we went through the legislation.

First of all, with respect to border security, we were tough on our border, but we were substance. We said we would add 12,000 new Border Patrol agents.

Mr. REID. Mr. President, I say my friend from Colorado, we have an important agreement we would like to put before the Senate. I ask the Senator from Colorado allow me to interrupt him.

The PRESIDENT pro tempore. The Senator's time remains.

Mr. REID. Yes.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SALAZAR. No.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent at 9:10 this evening, the pending amendment, No. 5036, be withdrawn, the bill be read the third time, and Senator SALAZAR be recognized for 5 minutes, Senator BINGAMAN for 5 minutes, Senator CRAIG for 5 minutes, Senator REID for 3 minutes, Senator FRIST for 3 minutes, and the Senate proceed immediately to a vote on passage, with no intervening action or debate; and I further ask consent that following that vote, the Senate proceed as under the rule to the vote on the motion to invoke cloture on the motion to concur on S. 403; I further ask consent if cloture is not invoked, the Senate proceed immediately to the conference report to accompany H.R. 5441, the Homeland Security Appropriations Conference Report, and there be 5 minutes equally divided for debate prior to a vote on adoption of the conference report.

I further ask consent that if cloture is invoked on the motion to concur to S. 403, the pending amendments be withdrawn and the Senate vote on the motion, with no intervening action or debate; and further, the Senate proceed as above to the Homeland Security conference report.

I also ask following the vote on the Homeland Security conference report, Senator LAUTENBERG be in control of 10 minutes, Senator COLLINS for 5 minutes, Senator STEVENS for 5 minutes; the Senate proceed to a vote on the conference report to accompany H.R. 4954, the port security conference report, if the papers are received from the House and they are identical to those at the desk currently, with no intervening action or debate; further, I ask that if the papers have not arrived from the House, then upon receipt of those papers, the Senate proceed to its consideration, again, only if those papers are identical to those at the desk

currently, then the conference report be agreed to and the motion to reconsider be laid upon the table.

I further ask consent that following the vote on the port security conference report, H.R. 5441, if port security has not arrived, then the Senate proceed to consideration of H. Con. Res. 483, the adjournment resolution; provided further, that Senator LEVIN be recognized to speak for up to 10 minutes, and following that time, the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. In my capacity as a Senator, I ask the Senator to read again what the Senate is doing with the port security bill.

Mr. FRIST. The Senate proceed to the vote on the conference report to accompany H.R. 4954, the port security conference report, if the papers are received from the House and they are identical to those that are at the desk currently, with no intervening action or debate; further, I ask that if the papers have not arrived from the House, then upon receipt of those papers the Senate proceed to its consideration, again, only if those papers are identical to those at the desk currently, then the conference report be agreed to, with the motion to reconsider laid upon the table.

The PRESIDENT pro tempore. I appreciate the courtesy.

Without objection, it is so ordered.

Mr. FRIST. Mr. President, let me briefly outline—because that wording is very complicated—what that means. At approximately 9:30 we will begin voting and we will have a vote on the border fence. Following that, we have a cloture motion to concur with the House on child custody. That also would be a rollcall vote. Following that, there is a short period of debate on Homeland Security, and we have a third rollcall vote on Homeland Security. Following that, port security will be dealt with, which should not require a rollcall vote, and the adjournment resolution, which should not require a rollcall vote.

Thus, we would have three rollcall votes in this unanimous consent request.

The PRESIDENT pro tempore. The Democratic leader.

Mr. REID. It took 2 minutes to read this but it took a lot longer than that to get the 2 minutes in writing.

I appreciate everyone's cooperation, Democrats and Republicans. This is not a perfect end of this session. However, I think it shows there has been tremendous cooperation today, and we will have more to say at a later time. Thanks, everyone.

The PRESIDENT pro tempore. The Senator from Colorado is recognized. The Senator 9 minutes and 19 seconds.

IMMIGRATION REFORM

Mr. SALAZAR. Mr. President, before the unanimous consent request from my colleagues, I was talking about

what we had done together in the bipartisan spirit of moving forward with a comprehensive immigration reform package that the President had requested us to work on together and on which there was a great deal of leadership on the part of the Members in this Chamber to accomplish a task which the Nation needed.

That was a piece of legislation which was the law and order bill. It dealt with border security. It dealt with the enforcement of our immigration laws. It dealt with the system of penalties and registration that would have brought the 12 million people who now live within the shadows of America out of the shadows. It is an important piece of legislation.

Yes, there was disagreement in the Senate as we debated that bill for almost a month. At the end of the day, Democrats and Republicans came together to pass a comprehensive immigration reform.

I will quickly review a few of the components of that bill. First, with respect to border security, we said we would add 12,000 new Border Patrol agents. We would create additional border fences. We would provide new criminal penalties for the construction of border tunnels, the legislation pushed by my colleague, Senator FEINSTEIN from California. We would add new checkpoints and points of entry so we could control our borders. And we would expand the exit-entry security systems at all land borders and airports.

We took some significant steps forward in the legislation, including a 370-mile fence, which was an amendment. We took significant steps forward on legislation that was tough on border security. It included legislation that was an amendment proposed by the Senator from Alabama which would have constructed a 370-mile fence. That was a comprehensive piece of legislation.

In addition, we said we would be a nation of laws and we would enforce our laws. We did that with a number of different provisions which included an additional 5,000 new investigators. It included 20 new detention facilities. It included provisions to reimburse the States their costs for detaining and imprisoning criminal aliens. The list goes on. It was a tough bill that said, we are going to enforce the immigration laws of our country.

We did not stop there because we have the reality of an elephant in this room, in this country: the 12 million people who live here. Under the leadership of Senator MCCAIN and Senator KENNEDY, we came up with a program that would have brought these 12 million people out of the shadows through a system of penalties and registrations that would have applied to them. We would have required they pay a fine of \$1,000 initially. It would require they register with the U.S. Government, that they pay an additional \$1,000 fee. They go to the end of the line, the back

of the line, they learn English, and a whole host of other steps.

Our bill was a comprehensive bill. One of the finest moments of this Senate was that there were a number of Republicans and Democrats who came together to pass that legislation.

Tonight, unfortunately, we are in a position where the politics of the day and the politics of the Senate have triumphed over the national security interests which we addressed in this legislation.

The values that drove at least my participation in that debate, along with my colleagues including Senator MARTINEZ from Florida, were simple values. They were the values that said we are a nation of laws. That means we have to have a law that is going to work, that is going to secure our borders, that is going to get rid of the lawlessness we currently face.

The other value that drove me is something which Senator MCCAIN, my friend from Arizona, often talked about when he talked about the hundreds of people who are dying in the deserts of his particular State. To me, those values are values that we should keep at the forefront, the value of us being a nation of laws and also the moral values we have to the rest of humanity.

I do not believe that this political gimmick of a fence that is arbitrarily dictated by Washington to Arizona, California, and Texas is the right way to go. I don't need to go very far to find people would have agreed with me. The Commissioner of Customs and Border Protection under this administration says it doesn't make sense. It is not practical. That was on June 20 of this year. The Attorney General of the United States, Gonzales, said, "I think that's contrary to our traditions." Secretary Chertoff said that, in fact, building a fence in the desert might be problematic and unrealistic.

There are a number of people in the Bush administration who raised an objection to this particular proposal that we are considering tonight.

Mr. DURBIN. Will the Senator yield?

Mr. SALAZAR. May I keep going for a couple of minutes and I will be happy to yield for a question from my friend from Illinois.

I say to my friends who are listening tonight, I do have some personal history on this issue because my family came here in 1598, long before Jamestown, some 12 generations ago. We have been around a long time.

My own history is one where I know I am the first Mexican American to serve in this Senate in 30 years—the first Mexican American in 30 years and the only one, ever, elected to the Senate outside of the State of New Mexico.

When I look at this issue of the border, I approach it from the point of view that we as a nation have a sovereign responsibility to protect our borders. We have a responsibility to make sure we have a systematic law in place that deals with the immigration issues of our country. But I also be-

lieve, just as Ronald Reagan asked Mr. Gorbachev to take the wall down between East Germany and West Germany in order to end the cold war, there will come a time when, hopefully, this Senate is part of taking down this wall between Mexico and the United States.

Before I conclude, I yield to my friend from Illinois for a question.

Mr. DURBIN. I thank the Senator from Colorado. I thank him for his leadership on comprehensive immigration reform which includes real border enforcement, workplace enforcement, dealing with the needs in our country for immigration—legitimate legal immigration—and also dealing with those who are here who should be given a chance to earn their way toward legal status.

I also agree with my colleague from Colorado about this notion of a 700-mile fence. No matter where I go in the State of Illinois, I ask people, Do you see the weakness in the logic and the weakness in the argument of a 700-mile fence on a 2,000-mile border? It is obvious. It is pretty clear to me that this political bidding war on a border fence has more to do with the security of those who are up for reelection in just a few weeks than the security of America.

You do not have to be a law enforcement expert or an engineering expert to know that this fence, as it has been defined in this bill, is so expensive—\$6 billion—and that we are now passing a homeland security bill that has \$1.2 billion, not nearly enough to even start and build half of this fence.

So the realistic thing to do, as the Senator from Colorado and I have tried to do, is to work for sensible fences, sensible barriers, the best technology, the best security personnel, work for those processes and technologies that will truly make sure the illegal immigrants stop coming across our border.

I thank the Senator from Colorado for his leadership.

Mr. SALAZAR. Mr. President, I thank the leader and great Senator from Illinois for his leadership in putting together the comprehensive immigration reform package.

Parliamentary inquiry: How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. ISAKSON). Fifty-four seconds.

Mr. SALAZAR. Fifty-four seconds. Let me just conclude. Mr. President, I hope as we move forward as a Senate we can find the courage in this body tonight to turn down this political gimmick; that in this body there are statesmen and people of principle who believe we ought to put our national security interests ahead of politics; that there are people in this body who believe we ought to address the economic realities of America's farmers and ranchers and construction workers, construction companies, and others; that there are people in this body who can look at the future of the Western Hemisphere, including our relationship with Latin America, and

recognize that at the end of the day the fence that is being proposed today is going to be inimical to the long-term interests of the United States of America as we unite as a global community to deal with the issues of terrorism around the world; that this fence is going to be something that is going to hurt us in building those alliances.

Mr. President, I urge my colleagues to vote against this fence bill. And I urge we do it in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there is now time for a speaker from the majority side until 9:10.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield back the 10 minutes to the majority.

The PRESIDING OFFICER. The Senator yields back 10 minutes to the majority, the majority's time until 9:10.

The Democratic leader.

Mr. REID. Mr. President, I have 3 minutes, and for the benefit of everyone here, I might as well use it now. There is nobody else to speak, is there?

The PRESIDING OFFICER. The Chair sees no one else. The Senator from Illinois appears to be trying to do that.

Mr. DURBIN. Mr. President, I would like to speak briefly, if I might.

Mr. REID. I have time under the order. Please go ahead.

Mr. DURBIN. Mr. President, I thank the Democratic leader. I ask unanimous consent to be recognized as in morning business to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

UNANIMOUS CONSENT REQUEST— S. RES. 594

Mr. DURBIN. Mr. President, just 2 days ago I came to the floor and introduced a bipartisan resolution, the resolution cosponsored by myself, Senator MARK DAYTON, Senator NORM COLEMAN, Senator TOM HARKIN, and others. What did the resolution say? It said that we would recognize that we are about to observe the fourth anniversary of the death of our former colleague, Paul Wellstone, who died in an airplane crash during his campaign for reelection to the U.S. Senate for Minnesota.

It speaks of his service to Minnesota, the fact that he was a loving father and husband, that he dedicated his life to public service and to education, and that he worked tirelessly to advance mental health parity for all citizens of the United States.

This, of course, goes on to explain, in the course of this resolution, that Paul Wellstone died before he could pass the most important bill on this subject, the mental health parity bill. So I resolved that:

[O]n the fourth anniversary of his passing, Senator Paul Wellstone should be remem-

bered for his compassion and leadership on social issues throughout his career;

Congress should act to help citizens of the United States who live with a mental illness by enacting legislation to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limits are imposed on medical or surgical benefits. . . .

That language in this resolution is directly from the Domenici-Wellstone bill on mental health parity. I go on to say:

[M]ental health parity legislation should be a priority for consideration in the 110th Congress.

The next Congress.

Mr. President, I never dreamed that anyone in this Senate would object to this resolution, this resolution acknowledging the death of our former colleague and asking that the great cause he dedicated most of his public life to continue, and that we pass this bipartisan bill which has been pending on the floor.

That was the reason I brought this to the floor. I thought it would pass without controversy. I was shocked to learn that someone has put a hold on this resolution. I cannot understand that.

I would now ask the clerk if it is necessary—I would like to make sure that this resolution has been filed.

The PRESIDING OFFICER. Will the Senator please restate his inquiry?

Mr. DURBIN. My question to the clerk is whether this resolution has been filed.

So as to expedite this, what I would like to do is send this resolution to the desk that I have in my hand and ask unanimous consent for its immediate consideration and adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, imagine that, observing the fourth anniversary of the death of one of our colleagues, acknowledging his life of public service, and simply asking that the next Congress take up his bill to try to make sure those suffering from mental illness will get fair treatment and compensation under their health insurance plans, I find it hard to believe. But if that is the nature of our business, if we have reached that level of partisanship, then it is regrettable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand what the problem is on this resolution. All of us loved Paul Wellstone. What an advocate he was. What a believer he was. But in this legislation, as I understand this resolution, it calls explicitly for the endorsement of those who support the resolution of a mental health piece of legislation that is not universally accepted. Some people, I understand, have suggested we use a different, a general af-

firmation of the goal of that legislation, and that we could all support.

But I think it is a bit much to ask, on a resolution, without any study, that this Senate take a position on a specific piece of legislation. I think that is where we were on it. Everybody who knew Paul Wellstone loved Paul Wellstone. I am sorry and think almost, I have to say, it is a little bit unfair and not collegial to push the legislation or the resolution as worded in a way that makes any of us feel that we would not be acceptable to a resolution to honor Paul Wellstone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I submitted the language in this resolution to the Republican side. I have worked on three different versions of the language to find something that mirrors the language, the purpose clause, of the bill that was introduced by Senator DOMENICI and Senator Wellstone, calling on the Senate to try to enact legislation to meet that goal.

There may be Senators who vote for this resolution and want to offer an amendment or change it. That is the way this place works. But to suggest if you call for legislation to give people with mental illness a chance for compensation in your health insurance that it is not collegial—it is not collegial? I have offered this resolution and amended it twice in an effort to be as collegial as possible. But it is hard to understand.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. SESSIONS. The Senator has asked that this body, through the adoption of this resolution, endorse a piece of legislation that everybody is not prepared to endorse. We would be prepared to endorse the concepts contained in the resolution. And I think that has been communicated to you. I do not see how you could expect—unless you expect unanimous support for the piece of legislation as written—that you could ask everybody to accept it.

I think you are overreaching, Senator DURBIN, in all due respect. And could we work on that? I would be glad to talk to you about it.

Mr. DURBIN. I say to my friend from Alabama, we have been working on it for days.

Mr. SESSIONS. Well, I am prepared to—

Mr. DURBIN. Excuse me. I have the floor. If the Senator would like to vote against the resolution, that is his right. But to say that we are not even going to consider this resolution, I think, is regrettable.

SECURE FENCE ACT OF 2006— Resumed

The PRESIDING OFFICER. The hour of 9:10 has arrived. Under the previous order, the clerk will report the unfinished business.